

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE CLEMENTINE COMPANY LLC. d/b/a THE THEATER CENTER, PLAYERS THEATER MANAGEMENT CORP. d/b/a THE PLAYERS THEATER, WEST END ARTISTS COMPANY d/b/a THE ACTORS TEMPLE, SOHO PLAYHOUSE INC. d/b/a SOHO PLAYHOUSE, THE GENE FRANKEL THEATRE LLC., TRIAD PROSCENIUM PARTNERS INC. d/b/a THE TRIAD, CARAL LTD. d/b/a BROADWAY COMEDY CLUB, and DO YOU LIKE COMEDY LLC. d/b/a NEW YORK COMEDY CLUB,

Plaintiffs,

Against

ORDER TO SHOW CAUSE

Civil Action No.: 1:20-CV-08899

ANDREW M. CUOMO, in his Official
Capacity as Governor of the State of New York,
ATTORNEY GENERAL OF THE STATE OF NEW YORK,
BILL de BLASIO, in his Official Capacity as Mayor of the
City of New York and **THE STATE OF NEW YORK,**

Defendants.

Chief Judge Colleen McMahon, United States District Judge:

THIS MATTER coming upon the Court upon motion by Order to Show Cause why a Preliminary Injunction (“PI”) should not issue; and

THE COURT NOTING that in support of their motion, Plaintiffs rely on the accompanying Memorandum of Law, dated November 3, 2020; the Declaration of Plaintiffs’ Counsel, dated November 3, 2020; the Verified Complaint, dated October 26, 2020;

THE COURT FINDING that the Declaration of Plaintiffs' counsel has provided good and sufficient reason why the Court should employ an expedited briefing schedule under Local Rule 7.1(e);

THE COURT FINDING that the Declaration of Plaintiffs' counsel demonstrates that Defendants have been provided reasonable advance notice of the Plaintiffs' application for an Order to Show Cause;

IT IS HEREBY ORDERED that Plaintiffs' application is granted such that the Court will employ an expedited procedure to hear this matter.

IT IS FURTHER ORDERED THAT:

1. Defendants show cause why a preliminary injunction should not be issued under Federal Rule of Civil Procedure 65 granting Plaintiffs the following relief:

(1) Granting Plaintiffs a preliminary injunction enjoining Defendants, from enforcing the shut down of small venue theaters; and

(2) Such other relief as this Court may deem just and proper.

2. Defendants must submit a brief on this issue of no more than 25 pages on or before _____.

3. Plaintiffs must submit any and all reply papers on or before _____.

4. The Court will hold a preliminary injunction hearing on _____ . The hearing shall be held via videoconference. The Court will provide the necessary link to counsel via email prior to hearing.

5. If any party wishes to introduce testimony at the hearing, it must provide reasonable advance notice to the Court and the other party prior to the _____ hearing.

6. Plaintiffs must serve a copy of this Order and the papers on which it is based on Defendants on or before _____.

Dated: November ____, 2020

Chief Judge Colleen McMahon